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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224413
Party	Defendant Jiang, Li
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Attachments	Amended Answer to Notice of Opposition Jiang Li TTAB Opposition 91224413.pdf(91065 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Trademark Application Serial No. 86616450
Trademark: FANTASA
Published: September 22, 2015

EVEDEN INC., a Massachusetts Corporation,

Opposer,

v.

JIANG, LI, a People's Republic of China
Individual,

Applicant.

AMENDED ANSWER TO NOTICE
OF OPPOSITION

Opposition No. 91224413

Amended Answer to Notice of Opposition

In response to the Notice of Opposition submitted to the Board on October 19, 2015, and pursuant to the order granted by this Board in this proceeding on May 26, 2016, LI JIANG (*Applicant*) hereby answers the allegations of EVEDEN INC. (*Opposer*) as follows:

1. Applicant admits that Opposer is the owner of U.S. Trademark Registration No. 2447377, which speaks for itself. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in paragraph 1 and, on that basis, denies the same.
2. Applicant admits that Opposer is the owner of U.S. Trademark Registration No. 3133514, which speaks for itself. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in paragraph 2 and, on that basis, denies the same.
3. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 3 and, on that basis, denies the same.
4. Applicant admits the allegations of Paragraph 4.
5. Applicant admits that Opposer's first date of claimed use for the U.S. Trademark Registration No. 2447377 was 1996. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in paragraph 5 and, on that basis, denies the same.

6. Applicant admits the allegations of Paragraph 6.
7. Applicant admits the allegations of Paragraph 7.
8. Applicant admits the allegations of Paragraph 8.
9. Applicant admits that the filing date for U.S. Trademark Application Serial No. 86616450 was May 1, 2015. Applicant denies the remaining allegations of Paragraph 9.
10. Applicant denies the allegations of Paragraph 10.
11. Applicant denies the allegations of Paragraph 11.

Request for Relief

12. Applicant admits that Opposer is the owner of U.S. Trademark Registration No. 2447377, which speaks for itself. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in paragraph 12 and, on that basis, denies the same.
13. Applicant admits that Opposer is the owner of U.S. Trademark Registration No. 3133514, which speaks for itself. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in paragraph 13 and, on that basis, denies the same.
14. Applicant denies the allegations of Paragraph 14.

The remainder of this section of the Notice of Opposition is a legal conclusion and states a legal claim for which no response is necessary. Applicant notes that Opposer's request for fees is improper as the Board may only determine the right to register a mark, not award fees. *See* TBMP § 102.01; *see also* 15 U.S.C. § 1067(a).

Affirmative Defenses

15. Opposer's Notice for Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
16. The word FANTASIE is a pseudo-mark for the term FANTASY and, is such, a highly diluted trademark in association with goods under International Class 025, and is therefore a weak mark. Opposer's purported rights extend no further than to the specific mark which Opposer alleges it owns, none of which is the same as or confusingly similar to Applicant's mark in terms of connotation, appearance and/or pronunciation.
17. Applicant's use of its mark will neither mistakenly be thought by the public to derive from the same source as Opposer's goods and services, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.

18. Applicant's mark in its entirety is sufficiently distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods.

19. Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

WHEREFORE, Applicant, having set forth its Amended Answer to the Notice of Opposition and its affirmative defenses, respectfully requests that this opposing proceeding be dismissed, with prejudice.

Respectfully submitted this 3RD day of JUNE, 2016.

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Certificate of Service

I hereby certify that a true and complete copy of the foregoing *Amended Answer to Notice of Cancellation* was served on Opposer by service of said copy upon its attorneys on June 3, 2016, via electronic mail, to:

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